

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: _____

EMDIN & RUSSELL, LLP.

286 Madison Avenue, Suite 2002

New York, N.Y. 10017

Telephone: 212-683-3995 Fax: 212-683-4032

May 16, 2008

Hon. Justice Kenneth M. Karas
 United States District Court Judge
 United States Courthouse
 300 Quarropas Street, Room 533
 White Plains, N.Y. 10601-4150

MEMO ENDORSED

Re: Yimy Soto v. The City of New Rochelle, et al.
07 Civ 3726 (SCR)

MEMO ENDORSED

Dear Honorable Justice Karas:

This letter is provided pursuant to Local Civil Rules for the Southern District of New York in regard to re-opening discovery.

Counsel is fully aware of the Court's discovery order, however, we note that said order was issued when no depositions were had of any party. Since that time all named parties have been deposed. Moreover, two non-party depositions were conducted after the discovery deadline. The last desposition was held on or about April 23, 2008, at 4:30 p.m.

Upon review of Officer Wienerman's deposition, we respectfully request that Sergeant Danko be made available for depositions. Sergeant Danko has relevant information, in that he issued the plaintiff a Desk Appearance Ticket on the night of his arrest, and witnessed his physical condition.


Counsel asserts, that said deposition would be brief in nature and that no party would be prejudiced by conducting said deposition.

Therefore, counsel respectfully request that discovery be reopened for the express purpose of conducting this deposition exclusively.

Cc: Lalit Loomba, Esq.
 3 Gannett Dr
 White Plains, NY. 10604

Very truly yours,
 Emdin & Russell, LLP.

The Court will hold a telephone conference to address Plaintiff's request to re-open discovery.


 By: Royce Russell, Esq.

SO ORDERED.

KENNETH M. KARAS U.S.D.J.

5/19/08